IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 14TH NOVEMBER 2007 / 23RD KARTHIKA 1929

Crl.Rev.Pet.No. 365 of 2002()

CRA.200/1999 of ADDL. SESSIONS COURT, (FAST TRACK-II), PALAKKAD
CC.329/1997 of JUDL.MAGISTRATE OF FIRST CLASS COURT, CHITTUR

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REVN. PETITIONER: APPELLANT/ACCUSED

CHANDRAN, S/O.CHAMI,
MAPPILAKOLUMBU, VANDITHAVALAM,
CHITTUR, PALAKKAD DISTRICT.

BY ADV. SRI.P.VIJAYA BHANU
SRI.P.M.RAFIQ

RESPONDENTS: RESPONDENT/COMPLAINANT

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.C.K.SURESH

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 14/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

CRRP365/02

ORDER ON CRL.M.P.NO.2599/02 IN CRL.R.P.NO.365/02

DISMISSED

14.11.2007 SD/- K.R.UDAYABHANU, JUDGE

/TRUE COPY/

P.A. TO JUDGE

K.R.UDAYABHANU, J

Crl.R.P.No.365 of 2002

Dated this the 14th day of November, 2007

O R D E R

The revision petitioner stands convicted for the offence under Section 55(a) of the Abkari Act and sentenced to undergo simple imprisonment for a period of six months and to pay a fine of Rs.2,000/- and in default, to undergo simple imprisonment for a period of two months.

2. The allegation is that the accused was found carrying 40 packets of, 100 ml. each, arrack in a plastic bag in his motor cycle on 3.7.1996 at 7.00 p.m. The counsel for the revision petitioner has only pleaded for modification of the sentence pointing out that more than 10 years have elapsed since the commencement of the proceedings. It is submitted that the earnings of the revision petitioner is the sole means of livelihood of his family.

3. In the circumstances, considering the long lapse of time, the sentence is modified to imprisonment till the rising of the court and to pay a fine of Rs.25,000/- and in default, to

undergo simple imprisonment for six months. The revision petitioner is granted four months' time to remit the fine amount. The revision petitioner shall appear before the Judicial First Class Magistrate Court-Chittur on 14.3.2008 to receive sentence.

The criminal revision petition is disposed of accordingly.

K.R.UDAYABHANU,
JUDGE

csl